

VZCZCXRO9661
PP RUEHCHI RUEHDT RUEHHM RUEHNH RUEHTRO
DE RUEHGO #0393 1770600
ZNY CCCCC ZZH
P 260600Z JUN 09
FM AMEMBASSY RANGOON
TO RUEHC/SECSTATE WASHDC PRIORITY 9162
INFO RUCNASE/ASEAN MEMBER COLLECTIVE
RUEHGG/UN SECURITY COUNCIL COLLECTIVE
RUEHBY/AMEMBASSY CANBERRA 2097
RUEHNE/AMEMBASSY NEW DELHI 5571
RUEHUL/AMEMBASSY SEOUL 9167
RUEHKO/AMEMBASSY TOKYO 6745
RUEAIIA/CIA WASHDC
RHHMUNA/CDR USPACOM HONOLULU HI
RUEHGV/USMISSION GENEVA 4554
RHEHNSC/NSC WASHDC
RUCNDT/USMISSION USUN NEW YORK 2548
RUEKJCS/SECDEF WASHDC
RUEHBS/USEU BRUSSELS
RUEKJCS/JOINT STAFF WASHDC

C O N F I D E N T I A L RANGOON 000393

SIPDIS

STATE FOR EAP, IO, AND CA/OCS/ACS/EAP; PACOM FOR FPA

E.O. 12958: DECL: 06/25/2019

TAGS: [CASC](#) [PGOV](#) [PHUM](#) [PREL](#) [BM](#)

SUBJECT: ASSK/YETTAW TRIAL DELAYED PENDING SUPREME COURT
DECISION

REF: A. RANGOON 382

[1](#)B. RANGOON 381

Classified By: Political Officer Chelsia C. Wheeler for Reasons 1.4 (b)
& (d)

Summary

[1](#)1. (SBU) On June 26 the Divisional Court delayed the trial of Aung San Suu Kyi, her two assistants, and Amcit John Yettaw until July 3, pending the decision of the Supreme Court on whether to allow two additional defense witnesses (reftels). Yettaw broke his 49-day fast on the morning of June 26. In the courtroom on June 26 he appeared in better health than during our June 20 consular meeting with him. End Summary.

Court Awaits Ruling on Witnesses

[1](#)2. (SBU) On June 26, the Divisional Court at Insein Prison convened just long enough to delay the resumption of the trial of Aung San Suu Kyi, her two assistants, and Amcit John Yettaw until July 3. The presiding judges gave no explanation. However, Home Affairs official Phone Khaw Khaing, who has attended all of the proceedings related to Yettaw, including our consular visits, explained to Conoffs that the trial court cannot proceed until the Supreme Court rules on whether to reinstate two defense witnesses who had previously been barred from testifying. An appeals court had previously readmitted another defense witness, Daw Khin Mot Mot. Phone Khaw Khaing said that, if the Supreme Court issues its decision within the coming week, the trial court will hear testimony during the July 3 session.

Security Tight, But No Protests

[1](#)3. (C) Security around the prison was tight during the proceedings. Embassy staff observed nearly 20 riot police trucks in the area, and all side streets near the prison entrance were closed to vehicle and pedestrian traffic. We did not notice any protesters on the streets around the prison, which normally has very heavy pedestrian traffic.

National League for Democracy Central Executive Committee member U Win Tin had earlier told us he would continue his vigil near Insein Prison on June 26, as he has every day the trial court has been in session. We have not been able to reach him to confirm if he did so.

John Yettaw's Condition and Consular Access

¶4. (SBU) Vice Consuls and a consular staff member attended the June 26 court session, at which all four defendants appeared. Embassy staff could not communicate with Yettaw directly but observed him from a short distance. He appeared to be in better health than during our June 20 visit, and his attorney told us that Yettaw had ended his 49-day fast that morning. We have requested further consular access to Yettaw via diplomatic note, but as of the afternoon of June 26, the GOB has yet to grant it.

DINGER